



# Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407

## OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.  
DATE: Tuesday, September 23, 2003  
PLACE: 1511 Pontiac Ave., Building #73, 2<sup>nd</sup> Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
Gerald S. Goldstein  
Ellen L. Jordan  
Elizabeth S. Dolan

MEMBER ABSENT: John R. Capobianco

OTHERS PRESENT: Joan N. Brousseau, Administrator  
Robyn H. Golden, Investigator  
Linda Esposito, Secretary  
Margaret Hogan, Esquire

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Chairman Lanni called the meeting to order in Open Session at 10:35 a.m.

All members present reviewed the Open Minutes of the August 12, 2003 Board Meeting. A Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:  
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### DRAFTED DECISIONS:

1. Case No. EE-3655  
Fire Marshall's Office & Laborers'

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, and John Capobianco. Frank Montanaro and Elizabeth Dolan reviewed the transcript, deposition, and briefs of the parties.

**ORDER:** *By virtue of and pursuant to the power vested in the Rhode Island State Labor Relations Board by the Rhode Island Labor Relations Act, it is hereby:*

*DIRECTED that an election by secret ballot shall be conducted within sixty (60) days hereafter, under the supervision of the Board or its agents, at a time, place and during hours to be fixed by the Board among the Chief Deputy Fire Marshall, Chief of Inspections, and Chief of Investigations; employees of the State Fire Marshall's Office, who were employed as of the date of this order, to determine whether they wish to be represented, for the purposes of collective bargaining, as provided for in the Act, by the RI Laborers' District Council on behalf of Local Union 1033, or by no labor organization.*

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to sign the Decision and Direction of Election, as written, with grammatical corrections to be made. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Direction of Election, as written. Staff will contact John Capobianco regarding his vote on signing the Decision and an addendum will be added to these minutes.

**UNIT CLARIFICATIONS:**

1. Case No. EE-3077  
Jamestown & SEIU, Local 134  
**UNIT CLARIFICATION:** Harbor Master

After review of the investigator's report, and the Employer's response, (the Union did not submit a response), a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to include the position of Harbor Master, into the bargaining unit defined in Case No. EE-3077 and to proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion.

2. Case Nos. EE-3406 & EE-3575  
Department of Health & AFSCME & NEA  
**UNIT CLARIFICATION:** Senior Human Services Policy and Systems Specialist

After review of the investigator's report (neither of the Unions nor the Employer submitted a response), a Motion was made by Joseph Mulvey and seconded by Ellen Jordan that the positions of Senior Human Services Policy and Systems Specialist, do rightfully belong in a bargaining unit

and that the matter should proceed to formal hearing to determine which bargaining unit would be appropriate. After discussion, all Board members present voted in favor of the Motion.

3. Case No. EE-1751  
Providence & Laborers'  
**UNIT CLARIFICATION: Human and Operational Resource Manager**

After review of the investigator's report (neither the Union nor the Employer submitted a response), a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to include the position of Human and Operational Resource Manager, into the bargaining unit defined in Case No. EE-1751, and to proceed to formal hearing. After discussion, Elizabeth Dolan, Ellen Jordan and Walter Lanni voted in favor of the Motion. Gerald Goldstein voted against the Motion. Motion passed.

**MISCELLANEOUS MATTERS:**

- 1 Letter to Director Marvin Perry relative to parking

Chairman Lanni advised the Board Members present that a letter was being sent to Director Marvin Perry requesting assigned parking spaces for the Board Members, Board's Attorney, and the Court Reporter.

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Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges, cases concluded and miscellaneous matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

**VOTED:** for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:50 a.m.

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The meeting resumed in open session at 10:55 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**UNFAIR LABOR PRACTICE CHARGES:**

1. Case No. ULP-5680  
MHRH & AFSCME

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5681  
Education & AFT

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

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A Motion to adjourn was made by Ellen Jordan, and it was seconded by Elizabeth Dolan, and it was unanimously,

**VOTED:** to adjourn the meeting at 11:00 a.m